

Dated: 4/28/2014



**IN THE UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF TENNESSEE**

In the Matter of:)	
)	Case No. 12-08047
HARVEY WALTER DIZOL)	
KATHERINE O'REILLY DIZOL)	
4044 FIZER ROAD)	
SPRINGFIELD, TN 37172)	Chapter 13
SSN: XXX-XX-6729, XXX-XX-6568)	Judge Mashburn
Debtor.)	

**AGREED ORDER TO HOLD FUNDS
SET ASIDE FOR HOME MORTGAGE CREDITOR**

By agreement of the Debtors and the Chapter 13 Trustee, evidenced by signatures entered below, it is agreed as follows:

1. The Debtors filed a Petition for Relief with this Court on 8/31/2012.
2. The Debtors scheduled a secured obligation to Suntrust Mortgage for a debt which the Debtors believed was secured by a Deed of Trust on the Debtors' home located at 4044 Fizer Road, Springfield, TN 37172.
3. Apparently at some point prior to filing the purported obligation and Deed of Trust was transferred to Carrington Mortgage Services.
4. The proof of claim filed on behalf of Carrington Mortgage Services has been disallowed upon motion of the Chapter 13 Trustee.
5. The Debtors now intend to file an adversary proceeding to void the lien of Carrington Mortgage Services.
6. Until this matter is resolved, it is in the best interest of all parties if the funds paid into the Chapter 13 plan and earmarked for the home mortgage creditor, Carrington Mortgage Services, are held by the trustee.
7. Until this matter is resolved, it is in the best interest of all parties if the funds paid, and to be paid, into the Chapter 13 plan subsequent to the order disallowing the proof of claim of Carrington Mortgage Services, that would, but for the order disallowing proof of claim, be distributed to Carrington Mortgage Services, are held by the Trustee until a date which is six (6)

months from the date of entry of this Order, or until such earlier time as agreed to by both parties.

8. If the Debtors fail to file an adversary proceeding within 30 days of the entry of this Agreed Order, the Chapter 13 Trustee is authorized to cease withholding funds for the disallowed claim.

IT IS SO ORDERED,

1. That the funds that have been paid into the Chapter 13 plan and earmarked for the home mortgage creditor, Carrington Mortgage Services, shall be held by the Trustee for a period of six (6) months from the date of entry of this Order, or until such earlier time as agreed to by both parties.

2. That all funds paid, and to be paid, into the Chapter 13 plan subsequent to the order disallowing the proof of claim of Carrington Mortgage Services, that would, but for the order disallowing proof of claim, be distributed to Carrington Mortgage Services, shall also be held by the Trustee until a date which is six (6) months from the date of entry of this Order, or until such earlier time as agreed to by both parties.

3. That the Chapter 13 Trustee is authorized to cease withholding funds for the disallowed claim if the Debtors do not file an adversary proceeding within 30 days of the entry of this Agreed Order.

3. That no other creditors in the plan shall be affected by this Order.

This order was signed and entered electronically as indicated at the top of the first page.

APPROVED FOR ENTRY:

/s/ Steven R. Wilmoth
STEVEN R. WILMOTH #025759
Attorney for Debtor(s)
409 North Locust Street
Springfield, TN 37172
(615) 384-7750
fax (615) 384-4871
steven@thefleminglawfirm.net

/s/Henry E. Hildebrand, III

HENRY H. HILDEBRAND III

Chapter 13 Trustee

P.O. Box 340019

Nashville TN 37203-0019

(615) 244-1101

(615) 242-3241

pleadings@ch13nsh.com

Digitally signed by /s/Henry E. Hildebrand, III
DN: cn=/s/Henry E. Hildebrand, III, o=Chapter 13 Trustee, ou=Office of the Chapter 13 Trustee,
email=pleadings@ch13nsh.com, c=US
Date: 2014.04.25 15:12:43 -05'00'

This Order has been electronically
signed. The Judge's signature and
Court's seal appear at the top of the
first page.
United States Bankruptcy Court.